

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WESLEY GABRIEL and SHAWN SMITH, individually
and on behalf of all others similarly situated,

08 Civ. 2460

Plaintiffs,

**RELATED CASE
STATEMENT**

- against -

BRIAN FISCHER, in his capacity as Commissioner
of the New York State Department of Correctional
Services (DOCS), and in his individual capacity;
ANTHONY J. ANNUCCI, in his capacity as Deputy
Commissioner and Counsel for DOCS, and in his
individual capacity; LUCIEN J. LECLAIRE, JR., former
Acting Commissioner of DOCS, in his individual capacity;
GLENN S. GOORD, former Commissioner of DOCS,
in his individual capacity; and JOHN/JANE DOES 1-50
(DOCS Supervisory, Training, and Policy Personnel),

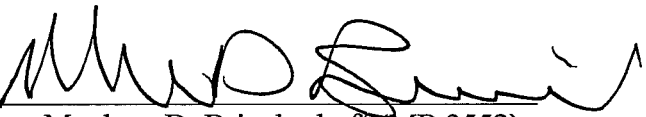
Defendants.
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Plaintiffs Wesley Gabriel and Shawn Smith, by and through their attorneys,
Emery Celli Brinckerhoff & Abady LLP, submit this Related Case Statement pursuant to Rule
1.6(a) of the Local Rules of this Court. The instant case, as well as *Smith v. Paterson*, No. 08
Civ. 3313, currently pending before this Court, may be related to *Coleman v. Fischer*, No. 07
Civ. 7790, which is currently pending before the Hon. Shira A. Scheindlin. (See Related Case
Statement for *Coleman v. Fischer*, No. 07 Civ. 7790, attached hereto as Ex. A.) On April 25,
2008, Mr. Michael Coleman filed an Amended Complaint in *Coleman v. Fischer*, No. 07 Civ.
7790. In the Amended Complaint, Mr. Coleman, like the plaintiffs in *Gabriel v. Fischer*, No. 08
Civ. 2460, and *Smith v. Paterson*, No. 08 Civ. 3313, alleges pursuant to 42 U.S.C. § 1983 that

the Department of Correctional Services (DOCS) violated his due process rights by administratively imposing post-release supervision (PRS) and incarcerating him for alleged violations of PRS, when PRS was never part of a valid judicially imposed sentence. *See Earley v. Murray*, 451 F.3d 71 (2d Cir. 2006) (holding that administrative imposition of PRS violated clearly established Supreme Court precedent) (citing *Hill v. United States ex rel. Wampler*, 298 U.S. 460 (1936) (Cardozo, J.)).

Dated: April 30, 2008
New York, New York

EMERY CELLI BRINCKERHOFF &
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MICHAEL COLEMAN,

07 Civ. 7790 (SAS)

Plaintiff,

- against -

**RELATED CASE
STATEMENT**

BRIAN FISCHER, Commissioner of the New York State Department of Correctional Services (DOCS), in his individual capacity; ANTHONY J. ANNUCCI, Deputy Commissioner and Counsel for DOCS, in his individual capacity; LUCIEN J. LECLAIRE, JR., former Acting Commissioner of DOCS, in his individual capacity; GLENN S. GOORD, former Commissioner of DOCS, in his individual capacity; EDWARD DEL RIO, Parole Revocation Specialist, in his individual capacity; JOHN ZWARYCZUK, Senior Parole Officer, in his individual capacity; BARBARA CUDNEY, Institutional Parole Officer, in her individual capacity; SHARON HENRY, Parole Officer, in her individual capacity; JOHN MARTINEZ, Parole Officer, in his individual capacity; and JOHN/JANE DOES 1-10 (DOCS and Division of Parole Supervisory, Training, and Policy Personnel),


Defendants.
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Plaintiff Michael Coleman, by and through his attorneys, Emery Celli Brinckerhoff & Abady LLP, submits this Related Case Statement pursuant to Rule 1.6(a) of the Local Rules of this Court. This case may be related to two putative class actions that are pending before the Hon. Sidney H. Stein: *Gabriel v. Fischer*, No. 08 Civ. 2460, and *Smith v. Paterson*, No. 08 Civ. 3313. (See Related Case Statement for *Gabriel v. Fischer*, No. 08 Civ. 2460, attached hereto as Ex. A.) The plaintiffs in those cases and Mr. Coleman all allege pursuant to 42 U.S.C. § 1983 that the Department of Correctional Services (DOCS) violated their due

process rights by administratively imposing post-release supervision (PRS) and incarcerating them for alleged violations of PRS, when PRS was never part of a valid judicially imposed sentence. *See Earley v. Murray*, 451 F.3d 71 (2d Cir. 2006) (holding that administrative imposition of PRS violated clearly established Supreme Court precedent) (citing *Hill v. United States ex rel. Wampler*, 298 U.S. 460 (1936) (Cardozo, J.)).

Dated: April 30, 2008
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